

REMARKS / ARGUMENTS

The present application includes pending claims 1-30, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,188,209, issued to Pettey (hereinafter, Pettey). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Pettey Does Not Anticipate Claims 1-30

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Pettey. With regard to the anticipation rejections under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Pettley does not disclose or suggest at least the limitation of **“determining whether one or both of at least a second blade server of said plurality of blade servers and a network is to receive said at least said first packet,”** as recited by the Applicant in independent claim 1 (emphasis added).

The Final Office Action states the following:

Each servers comprises a root complex 108 used as a transmitter to send data to other servers through networks (see col. 10, lines 20-30). Refer to fig. 19, a share switch 1910 receives packet A from root complex 1902 (col.26, lines 5-10; receiving from a first blade server a first packet). Switch 1910 uses information in the packet A, performs a table lookup to determine which of the target downstream controllers 1912, 1914 or 1916 the packet A is transmitted to (see col. 26, lines 10-15; determining whether one or both of at least a second blade server of said plurality of blade servers and a network is to receive said at least first packet).

See the Final Office Action at pages 2-3. The Applicant respectfully disagrees.

The Examiner relies on the following citation of Pettley:

When the shared I/O switch 1910 receives these packets it identifies the targeted downstream shared I/O device (1912, 1914, or 1916) using information within the packets and performs a table lookup to determine the downstream port associated for transmission of the packets to the targeted downstream shared I/O device (1912, 1914, 1916).

See Pettey at col. 26, lines 8-14. Referring to FIG. 19 of Pettey, the Applicant points out that **the shared switch 1910 only performs downstream communication of data packets, without determining whether any of the data packets are to be communicated upstream to any of the remaining servers.** For example, if the server 1902 communicates a packet to the shared switch 1910, the shared switch only determines which of the downstream networks 1920, 1922, 1924 is to receive the packet. **There is no determining of whether the received data packet is to be communicated upstream to any of the remaining servers 1904 or 1906. In fact, Pettey is silent as to any upstream communication of data packets after they have been received by the shared switch 1910.** In this regard, Pettey does not perform any determination as to whether one or both of at least a second blade server of said plurality of blade servers and a network is to receive said at least said first packet, as recited in Applicant's claim 1.

Accordingly, independent claim 1 is not anticipated by Pettey and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Pettey has been overcome and request that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-30.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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